

OFFICIAL COPY

Fresno, California

August 31, 1999

The City Council met in joint session with the Redevelopment Agency at the hour of 8:43 a.m., and later in regular session, in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Garry Bredefeld	Councilmember
	Chris Mathys	Acting President
	Henry Perea	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember
	Ken Steitz	Council President

Jeff Reid, City Manager
Dan Fitzpatrick, Agency Executive Director
Jess Avila, Assistant City Attorney
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

(8:30 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

APPROVE AGENCY MINUTES OF AUGUST 17, 1999

On motion of Councilmember Bredefeld, seconded by Councilmember Boyajian, duly carried, **RESOLVED**, the Agency minutes of August 17, 1999, approved as submitted.

(A.) REQUEST FOR PROGRESS REPORT FROM THE AGENCY AND REGIONAL MEDICAL CENTER REGARDING THE STATUS OF THE ARCHITECTURAL PLANS AND TIMELINES OF EACH PHASE - COUNCILMEMBER QUINTERO

Redevelopment Administrator Murphey briefly reviewed the staff report as submitted.

Dr. Hinton, Chief Executive Officer, Community Medical Center, introduced Gary Burk, representing the architectural firms for the Regional Medical Center, RTKL of Chicago and Ratcliff Architects of San Francisco, who reviewed the master site plan and current status; and Joell Hurtell, Vice President, Clark Construction, who reviewed the various phases of construction and projected timelines.

Extensive discussion ensued with Agency Director Fitzpatrick, Dr. Hinton, Ms. Hurtell, Mr. Burk and Assistant City Attorney Avila responding to Council questions relative to the overall buildout value, the trauma structure and timeline, the heart center moving north, having an active and competing cardiac center at CMC, the women's and pediatric centers, reasons for federal and state subsidies, the original plan overlay, the 1994 EIR, responsibility for the cost of another EIR, Valley Children's Hospital (VCH) partnering with CMC, and the overall timeframe schedule and projected completion date.

Councilmember Quintero stated the reason he scheduled the item on the agenda was due to his concerns with the timeframe and completion of work, questioned if the City/Agency and CMC was doing enough, requested a copy of the new plans and original plans for comparison purposes and to reassure himself the project was moving forward as prudently as possible, and presented questions relative to the reason the heart center was moving north, if that would affect the RMC timeline, why the heart center would not be located downtown, how far the project was behind schedule, the "Team Community" name, and if a City/Agency presentation would be helpful to possibly move the heart center to the downtown campus, with Dr. Hinton responding.

Dr. Hinton and Ms. Hurtell reiterated the RMC project would be bigger than the one originally considered resulting in a much better, efficient project and they looked forward to a very successful hospital. Councilmember Bredefeld and Chair Ronquillo expressed their support for the project and commended CMC for their commitment.

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The joint bodies adjourned at 9:27a.m. and the City Council convened in regular session at 9:28 a.m.

Steve Laird, Sunnyside Assembly of God Church, gave the invocation. **(2 - 0)**

Transit Manager Rudd led the Pledge of Allegiance to the Flag.

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PROCLAMATION OF "CLAIM JUMPERS OF FRESNO DAY" - ACTING PRESIDENT MATHYS

Read and presented.

PRESENTATION OF CERTIFICATES OF RECOGNITION TO CENTRAL VALLEY YOUTH BASEBALL CLUB - COUNCILMEMBERS RONQUILLO AND BOYAJIAN

Presented.

(ADD-ON) PRESENTATION OF PLAQUE TO ACTING PRESIDENT MATHYS BY THE HIGHWAY CITY YOUTH GROUP

Presented.

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APPROVE MINUTES:

On motion of Councilmember Perea, seconded by Councilmember Quintero, duly carried, RESOLVED, the Council minutes of August 24, 1999, approved as submitted.

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APPROVE AGENDA:

(5J) APPROVE APPOINTMENT TO THE COUNCIL OF GOVERNMENT (COG) RAILROAD COMMITTEE - PRESIDENT STEITZ

Removed from the agenda by President Steitz.

(3:30 P.M.) PROPOSED APPOINTMENT TO THE SAN JOAQUIN RIVER CONSERVANCY BOARD - PRESIDENT STEITZ

Removed from the agenda by President Steitz.

(5F) CLARIFY TERMS OF THE AGREEMENT WITH THE FRESNO FALCONS - PRESIDENT STEITZ
1. IDENTIFY WHAT THE PERFORMANCE CRITERIA WILL BE - COUNCILMEMBER PEREA

President Steitz set the issue for 3:30 p.m. this date.

COMMENDATION TO CITY EMPLOYEE SAM MARKARIAN FOR TIMELY COMPLETION OF STREET WORK NEAR THE FRESNO FAIRGROUNDS - COUNCILMEMBER QUINTERO

Commendation made.

REQUEST FOR INFORMATION ON ESTABLISHING AN INDEPENDENT REVIEW BOARD TO REVIEW TREATMENT OF POLICE OFFICERS - COUNCILMEMBER PEREA

Request made.

On motion of Councilmember Perea, seconded by Councilmember Quintero, duly carried, **RESOLVED**, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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ADOPT CONSENT CALENDAR:

(1A-1) AUTHORIZE THE CITY MANAGER TO EXECUTE THE 1999-2000 AGREEMENT WITH FRESNO COUNTY INTERAGENCY COUNCIL FOR CHILDREN AND FAMILIES

(1A-4) APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH BLAIR, CHURCH AND FLYNN FOR THE DESIGN OF THE FOWLER AVENUE PROJECT FROM THE GOULD CANAL TO CLINTON AVENUE; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SIGN THE CONSULTANT AGREEMENT ON BEHALF OF THE CITY, SUBJECT TO APPROVAL AS TO FORM BY THE CITY ATTORNEY

(1A-6) APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH BOYLE ENGINEERING CORPORATION FOR THE DESIGN OF THE CLOVIS AVENUE PROJECT FROM KINGS CANYON TO MCKINLEY AVENUE; AND AUTHORIZE THE PUBLIC WORK DIRECTOR TO SIGN THE CONSULTANT AGREEMENT ON BEHALF OF THE CITY, SUBJECT TO APPROVAL AS TO FORM BY THE CITY ATTORNEY

(1A-7) APPROVE THE ACQUISITION OF TWO EASEMENTS ON E. ALLUVIAL AND N. CHESTNUT AVENUES: A STREET EASEMENT ON FRESNO COUNTY APN 404-072-22 FROM ANDREW R. AND PRAJEDIS G. CASADO FOR \$9,050; A STREET EASEMENT ON FRESNO COUNTY APN 404-072-21 FROM ANDREW R. CASADO, PRAJEDIS G. CASADO, CHRISTOPHER S. CASADO AND VALERIE S. CASADO FOR \$700; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SIGN ALL DOCUMENTS TO THESE TRANSACTIONS ON BEHALF OF THE CITY

(1A-8) AWARD A CONTRACT TO KELLY CONSTRUCTION, INC. IN THE AMOUNT OF \$41,142 FOR INSTALLATION OF A 12" WATER MAIN IN SANTA CLARA AVENUE, FROM "G" STREET TO THE "E-F" ALLEY

(1A-12) ***RESOLUTION NO. 99-252** - 17TH AMENDMENT TO AAR 99-181 APPROPRIATING FUNDS FOR WATER WELL PROJECTS IN UGM WATER SERVICE AREAS 101-S, 201-S AND 301-S

(1A-13)***RESOLUTION NO. 99-253** - 18TH AMENDMENT TO AAR 99-181 APPROPRIATING FUNDS FOR TRAFFIC SIGNAL PROJECTS (HELM/TULARE, CEDAR/DAKOTA AND CHURCH/CHESTNUT)WITHIN THE PEDESTRIAN AND BICYCLE FACILITIES GRANT PROGRAM

(1A-15) ***RESOLUTION NO. 99-254** - 363RD AMENDMENT TO MFS RES. 80-420 RELATIVE TO THE CARD ROOM EMPLOYEE WORK PERMIT FEE (CHANGING THE DEPARTMENT OF JUSTICE (DOJ) BILLING PROCEDURE POLICY DUE TO THE IMPLEMENTATION OF THE CITY'S LIVE SCAN PRINT SERVICE CHARGED TO CARD ROOM APPLICANTS - REFERENCE FMC SECTION 7-513(c))

On motion of Councilmember Perea, seconded by Acting President Mathys, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo Steitz
Noes	:	None
Absent	:	None

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(9:30 A.M.) TEFRA HEARING REQUIRED BY SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986 CONCERNING THE PROPOSED ISSUANCE OF CITY OF FRESNO MULTIFAMILY HOUSING REVENUE REFUNDING BONDS FOR THE CAMELOT LAKES APARTMENTS PROJECT LOCATED AT 937 N. PEACH AVENUE

1. RESOLUTION NO. 99-255 - AUTHORIZING THE ISSUANCE OF CITY OF FRESNO MULTIFAMILY HOUSING REVENUE REFUNDING BONDS 1999 SERIES A & B FOR THE PURPOSE OF REFUNDING OUTSTANDING CITY OF FRESNO BONDS; APPROVING AND AUTHORIZING EXECUTION AND DELIVERY OF AN INDENTURE, LOAN AGREEMENT, AMENDED AND RESTATED REGULATORY AGREEMENT AND CERTAIN OTHER RELATED DOCUMENTS; AND AUTHORIZING THE SALE OF THE BONDS IN CONNECTION WITH THE CAMELOT LAKES APARTMENTS PROJECT

President Steitz announced the time had arrived to consider the issue and opened the hearing. A motion and second to approve staff's recommendation was acted upon after brief comments of support by Acting President Mathys and Councilmember Ronquillo.

Upon call, no one wished to be heard and President Steitz closed the hearing.

On motion of President Steitz, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the above entitled Resolution No. 99-255 providing for the issuance of bonds to refinance and rehabilitate the Camelot Lakes Apartments hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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(2A) CONSIDER INITIATION OF A GENERAL PLAN AMENDMENT MODIFYING THE CITY'S SINGLE-FAMILY RESIDENTIAL SIDEWALK POLICY TO REQUIRE SIDEWALKS ON BOTH SIDES OF LOCAL STREETS IN NEW SINGLE-FAMILY RESIDENTIAL SUBDIVISIONS REGARDLESS OF DWELLING UNIT DENSITY - COUNCILMEMBER BREDEFELD

1. RESOLUTION NO. 99-256 - INITIATING AN AMENDMENT TO THE 1984 GENERAL PLAN MODIFYING SIDEWALK POLICY FOR SINGLE-FAMILY RESIDENTIAL SUBDIVISIONS

Councilmember Bredefeld briefly reviewed the issue stating Council's position was made clear one year ago in support of sidewalks on both sides no matter what density, and made a motion to initiate the amendment stating this would end the debate once and for all. The motion was seconded by Acting President Mathys and acted upon after lengthy discussion.

Upon question of City Manager Reid, Planning Manager Yovino stated the cost for the amendment would be \$5,300, with Mr. Reid clarifying a funding source would need to be determined.

Acting President Mathys and Councilmember Ronquillo stated their support for the motion, and Councilmember Ronquillo offered an amendment to the motion to require only monolithic sidewalks in future subdivisions. Councilmember Bredefeld stated he would not support or accept the proposed amendment clarifying a compromise was made one year ago to give developers the choice of monolithic sidewalks or sidewalks with planter strips.

Joni Johnson, Fresno Neighborhood Alliance, stated although they supported sidewalks on both sides their request would be that developers continue to be given the option citing the need for planter strips with trees in order to obtain federal funds and explained.

Upon call, no one else wished to be heard and President Steitz closed the public testimony portion of the hearing.

Brief discussion ensued on the proposed amendment to the motion, Mr. Yovino and City Attorney Montoy responded to questions, **(3 - 0)** and Ms. Montoy recommended Council allow for flexibility and not limit themselves by requiring only monolithic sidewalks at this time, whereupon the proposed amendment was withdrawn.

President Steitz expressed his concern and opposition to the motion stating this was not a safety issue and explained, and stated policy should just be made at this time to require sidewalks on both sides as a condition and amend the General Plan during the update process which would save the City the \$5,300 cost to initiate the amendment. Councilmember Perea stated Council was elected to represent the people and expressed his support for the motion.

A motion by Acting President Mathys, seconded by Councilmember Perea, to call for the question and close debate on the issue failed by majority consensus.

Councilmember Bredefeld stated past Councils should have moved in this direction long ago, stressed this was a major problem and a safety issue, and emphasized it was unfortunate the issue had to be debated.

On motion of Councilmember Quintero, seconded by Councilmember Perea, duly carried, RESOLVED, public testimony reopened, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

Martha Howard, 9539 N. Whitehouse Drive, spoke in support of sidewalks on both sides of the streets.

Upon call, no one else wished to be heard and President Steitz closed the public testimony.

Mr. Reid spoke in opposition to making sidewalks on both sides a condition, and recommended a General Plan amendment for consistency.

Brief discussion ensued with Councilmember Ronquillo reiterating his support for the motion and for moving towards monolithic sidewalks, and urged Council to do what was right. Mr Yovino and Ms. Johnson responded to questions of Councilmember Quintero relative to current sidewalk policy, compromise made last year on developer choice of sidewalks, if the Landscaping and Lighting Maintenance District was responsible for raised sidewalk repairs, and if federal dollars would be lost without planter strips and trees.

Councilmember Bredefeld advised the funding source to initiate the amendment would come from Councilmembers Perea (\$1,500), Boyajian (\$1,000) and his office (the remainder).

On motion of Councilmember Bredefeld, seconded by Acting President Mathys, duly carried, RESOLVED, the above entitled Resolution No. 99-256 hereby adopted, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Ronquillo
Noes : Quintero, Steitz
Absent : None

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(10:00 A.M.) HEARING ON TEXT AMENDMENT NO. TA-99-01 - VARIETY PAK #1: AMENDING THE TEXT OF THE FRESNO MUNICIPAL CODE AND RELATED ENVIRONMENTAL FINDINGS RELATING TO A VARIETY OF SUBJECTS SUCH AS THE ZONING OF ANNEXED LANDS AND THE USES AND PROPERTY DEVELOPMENT STANDARDS OF THE OPEN SPACE, AGRICULTURAL AND RESIDENTIAL ZONE DISTRICTS

1. * BILL NO. B-56 - ORDINANCE NO. 99-55 - APPROVING TEXT AMENDMENT NO. TA-99-01 - VARIETY PAK #1 - AMENDING THE TEXT OF THE FRESNO MUNICIPAL CODE AND RELATED ENVIRONMENTAL FINDINGS

President Steitz announced the time had arrived to consider the issue and opened the hearing.

Supervising Planner Beach briefly reviewed the staff report as submitted, noted the changes were made to streamline the City's complex code , advised Fresno County had expressed one concern which had been resolved, and recommended the ordinance be adopted.

Speaking in support of the ordinance were: Joan Weeks, 903 E. Frederick; Joni Johnson, Fresno Neighborhood Alliance, 3422 W. Los Altos; and Sue Williams, 6437 E. Montecito, representing the Sunnyside Property Owners Association.

Upon call, no one else wished to be heard and President Steitz closed the hearing.

Planning Manager Yovino and Mr. Beach responded to questions of Councilmember Perea relative to pay telephones and if the changes would weaken the ordinance, removal of the CUP requirement for pay telephones, and if the proposed changes affected riverbottom development.

On motion of Acting President Mathys, seconded by Councilmember Bredefeld, duly carried, RESOLVED, a call for the question approved and debate on the issue closed, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes : None
Absent : None

On motion of Councilmember Perea, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Bill No. B-56 adopted as Ordinance No. 99-55, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes : None
Absent : None

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(10:05 A.M.) HEARING ON TEXT AMENDMENT NO. TA-99-02 - VARIETY PAK #2: PROPOSING CHANGES TO THE TEXT OF THE FRESNO MUNICIPAL CODE AND RELATED ENVIRONMENTAL FINDINGS RELATING TO THE STANDARDIZATION OF TIME PERIODS FOR ALL LEGAL NOTICES, EXPIRATION TIME OF SPECIAL PERMITS, NOTICING SPECIAL PERMITS, WALL HEIGHTS, AND CLASSIFICATION OF THE R-P ZONE DISTRICT AS A RESIDENTIAL DISTRICT

1. * BILL NO. B-59 - APPROVING TEXT AMENDMENT NO. TA-99-02 - VARIETY PAK #2 - AMENDING THE TEXT OF THE FRESNO MUNICIPAL CODE AND RELATED ENVIRONMENTAL FINDINGS (*ALTERNATIVE NO. 1 - PLANNING COMMISSION RECOMMENDATION - NOT ADOPTED*)

2. * BILL NO. B-60 - ORDINANCE NO. 99-56 - APPROVING TEXT AMENDMENT NO. TA-99-02 - VARIETY PAK #2 - AMENDING THE TEXT OF THE FRESNO MUNICIPAL CODE AND RELATED ENVIRONMENTAL FINDINGS (*ALTERNATIVE NO. 2 INTRODUCED BY COUNCIL REQUIRING A 15-DAY NOTICING PERIOD*)

President Steitz announced the time had arrived to consider the issue and opened the hearing

Supervising Planner Beach reviewed the staff report and proposed changes, and clarified why staff was proposing to change the timeline on notices of grantings only **(4 - 0)**.

Speaking in support of Alternative No. 2 requiring a 15-day noticing period were: Joni Johnson, Fresno Neighborhood Alliance; and Sue Williams, Sunnyside Property Owners Association.

Upon call, no one else wished to be heard and President Steitz closed the hearing.

A motion and second was made to adopt Alternative No. 2, which was acted upon after brief discussion. City Manager Reid commented on the noticing issue and clarified why the 10-day period was being proposed, with Mr. Beach Responding to Council questions.

On motion of Councilmember Bredefeld, seconded by Acting President Mathys, duly carried, RESOLVED, a call for the question approved and debate on the issue closed, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

On motion of Acting President Mathys, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Bill No. B-60 (Alternative #2) adopted as Ordinance No. 99-56, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo
Noes	:	Boyajian, Steitz
Absent	:	None

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(10:30 A.M.) HEARING ON PLAN AMENDMENT NO. A-99-13 AND REZONING APPLICATION NO. R-99-22, FILED BY DEWAYNE ZINKIN, PROPERTY LOCATED ON THE NORTHWEST CORNER OF N. BLACKSTONE AND W. ALLUVIAL AVENUES

- 1. RESOLUTION NO. 99-257 - AMENDING THE BULLARD COMMUNITY (APPROVING P.A. A-99-13)**
- 2. BILL NO. B-61 - ORDINANCE NO. 99-57 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM C-M/UGM/CZ TO C-2/UGM (APPROVING R-99-22)**

President Steitz announced the time had arrived to consider the issue and opened the hearing.

Supervising Planner Haro briefly reviewed the staff report as submitted, recommended approval of the plan amendment and rezoning, and responded to a question of President Steitz relative to who recommended the conditions.

Bruce O'Neil, representing the applicant, spoke in support of the project and urged Council's support.

Upon call, no one else wished to be heard and President Steitz closed the hearing.

A motion and second to approve staff's recommendation was acted upon after brief discussion with Mr. Haro responding to Council questions relative to circulation and promoting pedestrian traffic, effect of the change to smaller-type shops, if a policy was needed, the environmental checklist, project emissions exceeding the SJVAPCD's threshold and how this was balanced out, and if there was a need for another environmental study.

On motion of Acting President Mathys, seconded by Councilmember Bredefeld, duly carried, **RESOLVED**, the finding of a Mitigated Negative Declaration for Environmental Assessment No. A-99-13, R-99-22 hereby approved; the above entitled Resolution No. 99-257 amending the site on the Bullard Community Plan adopted; and the above entitled Bill No. B-61 rezoning the site adopted as Ordinance No. 99-57, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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(11:00 A.M.) HEARING TO CONSIDER ADOPTION OF A RESOLUTION OF PUBLIC USE AND NECESSITY FOR ACQUISITION OF A STREET EASEMENT ON APN 404-071042, LOCATED AT THE NORTHWEST CORNER OF E. ALLUVIAL AND N. CHESTNUT AVENUES, FROM STELLA BROSI AND LOUIS BROSI, JR. AND STELLA BROSI, AS TRUSTEES UNDER THE WILL OF LOUIS BROSI, SR., FOR CONSTRUCTION OF UGM TRACT NO. 4514

1. *RESOLUTION NO. 99-258 - DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE CONSTRUCTION OF E. ALLUVIAL AVENUE, WEST OF N. CHESTNUT, AND THE ACQUISITION OF AN EASEMENT ON FRESNO COUNTY ASSESSOR'S PARCEL 404-071-41 IS NECESSARY FOR THE PROJECT

President Steitz announced the time had arrived to consider the issue, opened the hearing, and noted five affirmative votes were necessary as this was an eminent domain issue.

A motion and second was made to approve staff's recommendation. Councilmember Quintero briefly left the meeting at 11:27 a.m. Upon call, no one wished to be heard and President Steitz closed the hearing

A motion of Acting President Mathys, seconded by President Steitz, to call for the question and close debate failed, by the following vote:

Ayes	:	Mathys, Steitz
Noes	:	Boyajian, Bredefeld, Perea, Ronquillo
Absent	:	Quintero

Mr. Hansen briefly responded to a question of Councilmember Perea relative to the County's action allowing the City to have the right of way with the City being solely responsible for maintenance costs.

On motion of Councilmember Bredefeld, seconded by Acting President Mathys, duly carried, RESOLVED, the above entitled Resolution No. 99-258 hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Ronquillo, Steitz
Noes	:	None
Absent	:	Quintero

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RECESS - 11:28 A.M. - 11:38 A.M. Councilmember Quintero returned to the meeting. Councilmember Boyajian and Acting President Mathys arrived later.

(5A) PROPOSED APPOINTMENT OF ARDELL BARNES TO THE SAN JOAQUIN RIVER CONSERVANCY BOARD - COUNCILMEMBER PEREA (FOR INTRODUCTION)

On motion of Councilmember Perea, seconded by President Steitz, duly carried, RESOLVED, the proposed appointment of Ardeell Barnes to the San Joaquin River Conservancy Board introduced before the Council and laid over, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	Boyajian, Mathys

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(5B) APPROVE APPOINTMENT OF REINA PINEDA TO THE HUMAN RELATIONS COMMISSION - COUNCILMEMBER BOYAJIAN

A motion and second was made to approve the appointment. Councilmember Boyajian arrived at 11:40 a.m.

On motion of Councilmember Ronquillo, seconded by Councilmember Perea, duly carried, RESOLVED, Reina Pineda appointed to the Human Relations Commission, by the following vote:

Ayes	:	Bredefeld, Boyajian, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	Mathys

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(5C) DETERMINE FUNDING SOURCES FOR A FEASIBILITY STUDY FOR IMPROVEMENTS FOR CERTAIN CONVENTION CENTER FACILITIES - COUNCILMEMBER RONQUILLO

Budget Manager Bruney advised the Convention Center Capital budget had been determined as the funding source for the study, and City Manager Reid advised no action was necessary. Acting President Mathys arrived at 11:41 a.m.

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(5D) REQUEST FOR UPDATE ON PAY TELEPHONES TURNED IN BY DISTRICT 5 THAT BLIGHT NEIGHBORHOODS, CREATE A NUISANCE, AND HAVE NOT TAKEN OUT PERMITS AND SITE PLANS SINCE LAST COUNCIL DISCUSSION; REQUEST UPDATE FROM PUBLIC WORKS, HOUSING AND NEIGHBORHOOD REVITALIZATION, POLICE, DEVELOPMENT, CITY ATTORNEY AND CITY MANAGER - COUNCILMEMBER QUINTERO

Councilmember Quintero directed the item be removed from the agenda stating he would be meeting with the City Attorney and Development on the issue. A motion and second to postpone the matter indefinitely was made. Planning Manager Yovino responded to a question of Councilmember Perea relative to the status of a letter prepared for mailing to telephone companies.

On motion of Councilmember Quintero, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the issue of pay telephones turned in by Council District 5 postponed indefinitely, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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(5E) REQUEST THE CITY ATTORNEY CREATE AN ORDINANCE PREVENTING PEOPLE FROM DRIVING OVER HANDICAPPED RAMPS ON SIDEWALKS; ORDINANCE TO HAVE A FINE IMPOSED UPON A VIOLATOR WHO DRIVES OVER A HANDICAPPED RAMP - COUNCILMEMBER QUINTERO

Councilmember Quintero briefly reviewed the issue, cited the need for an ordinance due to the damages eventually caused and inability of the handicapped to utilize the ramps until repaired, and requested vehicles parked in front yards also be included in the ordinance, and expressed his concern with non-action when complaints are turned in to Code Enforcement. Extensive discussion ensued and questions were presented relative to when a determination would be made on who the enforcement party would be (Code Enforcement or Police Department), making citations heavier for parking on landscaped property, need to catch violators driving over ramps to enforce, current complaint process, issuing citations similar to traffic tickets and process thereafter, and vehicles on blocks in driveways, with City Attorney Montoy, City Manager Reid and Deputy City Attorney Slater responding to questions.

Ms. Montoy stated enough discussion had taken place, no action was necessary, and her office would meet with the City Manager and Police Department on the issue and report back in two weeks on all questions and concerns.

Councilmember Boyajian presented questions relative to inoperative vehicles, (5 - 0) likeliness of Council being able to issue citations in their districts, and inoperable vehicles on streets, with staff responding. There was no further discussion.

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LUNCH RECESS - 12:03 P.M. - 1:12 P.M. Acting President Mathys arrived later.

(1A-2) APPROVE THE REVISED DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM TO COMPLY WITH 49 CFR, PART 26; AND RESCIND RESOLUTION NO. 98-267

a. RESOLUTION NO. 99-259 - ESTABLISHING DBE GOALS FOR CONSTRUCTION CONTRACTS, PROCUREMENT, PROFESSIONAL AND OTHER SERVICES CONTRACTS THAT ARE FEDERALLY FUNDED

City Manager Reid and Controllor/DAS Director Souza responded to questions of Councilmember Bredefeld relative to the criteria to meet the DBE designation, how often contracts were awarded based on the designation, and impact if program were not approved, and explained the DBE program and goals.

A motion and second to approve staff's recommendation was acted upon after brief discussion. Councilmember Ronquillo spoke in support of the issue and expressed his concern stating he would not brag about the City's or County's dismal record of outreach to obtain DBE's, emphasized they comprised citizenship in this county, and stressed they were not being reached fairly and explained. President Steitz stated this was discrimination that only the federal government could mandate, and Mr. Reid briefly clarified his comments.

On motion of Councilmember Perea, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the revised DBE Program to comply with 49 CFR, Part 26 hereby approved; Resolution No. 98-267 rescinded; and the above entitled Resolution No. 99-259 establishing an overall annual goal of 10% DBE participation for federal projects for Fiscal Year 2000 adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	Mathys

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(1A-3) *RESOLUTION N O. 99-260 - 364TH AMENDMENT TO MFS RES. 80-420 ADJUSTING THE GREEN FEES AT AIRWAYS GOLF COURSE

City Manager Reid briefly responded to Council questions relative to impact if the senior citizen increase was excluded and if the proposed increase was related in any way to the Gap and relocation issues.

On motion of Councilmember Perea, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 99-260 hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	Mathys

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(1A-5) APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH YAMABE & HORN ENGINEERING FOR THE DESIGN OF THE PEACH AVENUE PROJECT FROM SR 180 TO MCKINLEY AVENUE

City Engineer Salazar and City Manager Reid responded to questions and comments of Councilmember Ronquillo relative to the total cost of the project, the design contract giving the final cost, what would be included in the project, and the time taken for the Hughes-West design project.

On motion of President Steitz, seconded by Councilmember Perea, duly carried, RESOLVED, the professional services agreement with Yamabe & Horn Engineering hereby approved; and the Public Works Director authorized to sign the consultant agreement on behalf of the city, subject to approval as to form by the City Attorney, by the following vote:

Ayes	:	Boyajian, Bredefeld, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	Mathys

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(1A-9) APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH BLACK AND VEATCH FOR PROFESSIONAL ENGINEERING SERVICES FOR A DETAILED FEASIBILITY PLAN/STUDY FOR THE CONSTRUCTION OF SATELLITE WASTEWATER TREATMENT FACILITIES

Public Utilities Director Rhinehart responded to questions of Councilmember Perea relative to timeline for the satellite sites, what the study would determine, and a public education process.

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the Professional Services Agreement with Black and Veatch hereby approved; and the Public Works Director authorized to execute the agreement on behalf of the City, by the following vote:

Ayes	:	Boyajian, Bredefeld, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	Mathys

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(1A-10) *RESOLUTION NO. 99-261 - 20TH AMENDMENT TO AAR 99-181 ADJUSTING REVENUES AND APPROPRIATIONS FOR THE COMPLETION OF THE WATER TOWER VISITORS CENTER, THE CEDAR/DAKOTA SIDEWALK PROJECT, AND THE SHEPHERD AVENUE MEDIAN ISLAND CAPITAL IMPROVEMENTS THAT HAVE BEEN PREVIOUSLY APPROVED

On motion of Councilmember Bredefeld, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 99-261 hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	Mathys

- - - -

(1A-11) AUTHORIZE THE CITY MANAGER TO EXECUTE A HOME INVESTMENT PARTNERSHIP PROGRAM (HOME)/COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) AGREEMENT WITH ACLC, INC. FOR AFFORDABLE HOUSING

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the City Manager authorized to execute a HOME/CHDO Agreement with ACLA, Inc. to provide rental housing assistance to low- and very low-income individuals and families within the city, by the following vote:

Ayes	:	Boyajian, Bredefeld, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	Mathys

- - - -

(1A-14) AWARD A CONTRACT FOR GENERAL SITE IMPROVEMENTS ON THE CONVENTION CENTER SIDE OF "M" STREET

Upon request of Councilmember Perea, Convention Center Director Valdez reviewed the proposed improvements to be made. Acting President Mathys arrived at 2:33 p.m.

On motion of Councilmember Perea, seconded by Councilmember Ronquillo, duly carried, RESOLVED, a contract for general site improvements on the Convention Center side of "M" Street hereby awarded to A & H Constructors in the amount of \$334,467.90, subject to receiving no appeals by Thursday, 9/2/99, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

- - - -

(2:30 P.M.) STATUS REPORT ON THE MULTI-PURPOSE STADIUM - PRESIDENT STEITZ

1. DIRECT THE CITY ATTORNEY TO REQUEST FROM THE FRESNO DIAMOND GROUP, AN AUDITED INCOME STATEMENT AND BALANCE SHEET FOR THE LAST TWO YEARS OF OPERATION - ACTING PRESIDENT MATHYS

President Steitz requested a status report and questioned if conditions from ACA would be received this date and if all the documents that had to go to the HCDC had been completed. City Attorney Montoy stated the last communication received from the Diamond Group (FDG) was reflected in a letter dated August 20th from Attorney Motschieder who stated they were anxious to complete the document preparation and that ACA would be giving the FDG the conditional commitment by August 31st, and noted there had been tremendous momentum but work had somewhat stopped while waiting for ACA. President Steitz stated he wanted it made clear it was not the City who was delaying the issue.

Barbara Hunt, 944 "F" Street, spoke in support of a publicly-owned stadium.

Ms. Montoy responded to questions of Councilmember Quintero relative to the “conditional commitment” from ACA, if there had been any communication from the FDG, Morgan-Stanley or ACA since the August 20th letter, if the City was bound by anything, and participation of ACA and their willingness to meet. Relative to options, Ms. Montoy recommended waiting until the end of the day, then discuss and look into options at the next Council meeting (September 21st). Councilmember Quintero stated he was very disappointed no one from the FDG was in attendance emphasizing if this had been important to them someone would have been here.

Acting President Mathys stated his support for a publicly-owned model if taxpayers would be paying for it; and commented on the issue emphasizing and reiterating the public needed to know the credit worthiness of the FDG and explained, implored Council to support the request for financial information, and made a motion to direct the City Attorney to request from the FDG an audited income statement and year-to-date balance sheet since they had been in operation, which was seconded and acted upon after additional discussion.

Councilmember Perea concurred with Ms. Montoy that it would be prudent to wait until the end of the day before considering any action or options, and stated if it was the will of Council, he would support moving forward with a public-model stadium.

Councilmember Boyajian stated emphasis was always being placed on the FDG, stressed financial records were available, questioned what percentage of the deal had been completed, **(6 - 0)** clarified the delay was due to the deal between ACA and the FDG, expressed his concern with status reports continually being scheduled on the agenda stating this was hurting everyone, and stated Council should give the FDG more time adding it would not be right if the deal was 85-90% complete and Council walked away from it.

President Steitz stated everyone wanted to see the stadium built, and emphasized the delay was on the FDG’s side and the stadium was no closer today than it was eight years ago because the FDG was unable to obtain financing.

Ms. Montoy responded to questions of Councilmember Bredefeld relative the prior understanding that ACA’s approval was contingent upon resolution of the blockage issue, and on the additional conditions now being added by ACA, and expressed his concern and directed Ms. Montoy to find out what the conditions were emphasizing information was needed this date on whether ACA was supportive of moving forward.

Councilmember Ronquillo briefly commented on the issue and questioned what the difference would be if Council moved forward with a \$30 million public model.

Acting President Mathys emphasized Council had a fiduciary duty to obtain the financial information from the FDG for the City’s permanent record and called for the question.

A motion of Acting President Mathys, seconded by President Steitz, to direct the City Attorney to request the Fresno Diamond Group to provide an audited income statement and year-to-date balance sheet since they had been in operation failed, by the following vote:

Ayes	:	Mathys, Steitz
Noes	:	Boyajian, Bredefeld, Perea, Quintero, Ronquillo
Absent	:	None

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(3:00 P.M.) DISCUSSION AND DETERMINATION REGARDING OPTIONS FOR LOCAL DESIGNATION UNDER THE WORKFORCE INVESTMENT ACT (WIA) OF 1998 - COUNCILMEMBER PEREA

Councilmember Perea briefly reviewed the issue stating Fresno County had been moving towards becoming the sole administrator of \$43 million in funding available for workforce training; advised of the three options outlined in a memorandum from the City Attorney; requested Council keep all options open; and made a motion to apply for designation and simultaneously engage in discussions with the County to approve co-administration of the funds, which was later seconded and acted upon.

Barbara Hunt, 944 ‘F’ Street, spoke in support of the motion.

Extensive discussion ensued with Economic Development Administrator Webster and Cindy Merzon, Workforce Development Board, responding to Council questions at length on the Workforce Investment Act, regulations and criteria, and the City’s options. **(7 - 0)**

Upon request of Acting President Mathys, Larry Willey and Mr. Besselievre gave their point of view from a private sector/business standpoint, with Mr. Willey stating he was comfortable with the County designation, noted the City would be well represented on the board, added although he understood Councilmember Perea’s frustration he felt the motion was premature. Mr. Besselievre stated the Board was too large and was getting larger, noted the only thing worse would be two entities trying to run the program, and stated his support for co-administration of funds. Acting President Mathys stated he appreciated the private sectors’ influence on the Board, and made a substitute motion to give the Workforce Development Board 60 days and postpone the matter until October 5th, which motion died for lack of a second.

Ms. Merzon advised the deadline was September 7th and the County was proceeding with that date. President Steitz reiterated the motion on the floor and Councilmember Bredefeld offered a second.

On motion of Councilmember Perea, seconded by Acting President Mathys, duly carried, RESOLVED, a call for the question approved and debate on the issue closed, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

Ms. Montoy requested clarification of the motion and discussion ensued on how to become co-designees. Mr. Webster confirmed the County had already voted to move forward as the sole designee, noted a legal interpretation from the State had not been received relative to the 500,000 population criteria, and stated at this point the County would have to agree to a joint designation.

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, RESOLVED, staff directed to (1) confer with Fresno County to agree to apply for co-designation with the County to qualify for “automatic designation”, and (2) apply for “designation on recommendation of State Board” as a fallback position if the co-designation is not approved, by the following vote:

Ayes : Boyajian, Bredefeld, Perea, Quintero, Ronquillo, Steitz
Noes : Mathys
Absent : None

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RECESS - 3:58 P.M. - 4:12 P.M. Councilmembers Bredefeld and Perea arrived later.

(3:15 P.M.) CONSIDER OPTIONS AND DIRECTION TO STAFF TO RESOLVE THE PUBLIC UTILITIES ISSUE (SEWER) WITH PROPERTY OWNER AT 4534 W. ASHLAN AVENUE

Public Works Director White briefly reviewed the issue and options, and recommended Option 1 outlined in the staff report.

Deborah Smith, representing the property owner, spoke in support of Option 1 and stated she wanted to be present during any work that was performed in confirming the cause of the problem.

On motion of Councilmember Ronquillo, seconded by Acting President Mathys, duly carried, **RESOLVED**, staff directed to work with the parties to bring some resolution to the alleged problem and the Public Works Department authorized to expend up to \$500 to confirm the cause of the plumbing problems, by the following vote:

Ayes : Boyajian, Mathys, Quintero, Ronquillo, Steitz
Noes : None
Absent : Bredefeld, Perea

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(5F) (3:30 P.M.) CLARIFY TERMS OF THE AGREEMENT WITH THE FRESNO FALCONS - PRESIDENT STEITZ

1. IDENTIFY WHAT THE PERFORMANCE CRITERIA WILL BE - COUNCILMEMBER PEREA

On motion of Councilmember Ronquillo, seconded by Acting President Mathys, duly carried, **RESOLVED**, the **4:00 P.M.** item to be heard prior to Item **5F** which had been set for 3:30 p.m., by the following vote:

Ayes : Boyajian, Mathys, Quintero, Ronquillo, Steitz
Noes : None
Absent : Bredefeld, Perea

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(4:00 P.M.) HEARING TO CONSIDER THE PLANNING COMMISSION'S ACTION ON CONDITIONAL USE PERMIT (CUP) NO. C-99-070, REQUESTING APPROVAL FOR A CHARTER SCHOOL AT 830 FRESNO STREET

1. RESOLUTION NO. 99-262 - APPROVING CONDITIONAL USE PERMIT NO. C-99-070

President Steitz announced the time had arrived to consider the issue and opened the hearing. Councilmember Perea arrived at 4:18 p.m. Planner Dilbeck briefly reviewed the staff report as submitted, advised of neighborhood concerns, and recommended approval subject to the conditions imposed

City Attorney Montoy noted a letter had been received by Attorney William Smith, representing the applicant, relative to the City's jurisdiction over charter schools, a copy of which was made part of the record and is on file in the office of the City Clerk, and advised after researching the issue it was concluded charter schools were subject to the City's zoning regulations and land use policies. Councilmember Bredefeld arrived at 4:23 p.m. Mr. Dilbeck advised the applicant had been made aware of the need to obtain a permit from the State Aeronautics Division to operate the facility since it was near an airport.

Lois Harris-Perkins, Principal of the charter school, The New Millennium Institute of Education, gave an overview of the school and urged Council's support.

Speaking in opposition to the charter school and/or the location were: Lawrence Fishbach, 1230 Collins; Barbara Hunt, 944 "F" Street; and Mary Romero, 1220 Collins.

Upon call, no one else wished to be heard and President Steitz closed the public testimony portion of the hearing.

(8 - 0) Councilmember Ronquillo noted a flyer distributed about the charter school was misleading and caused concern; expressed his support for the school stating this type of alternative school was needed; and made a motion to approve staff's recommendation, which was seconded by Councilmember Perea who emphasized kids deserved a chance and he had no problem supporting the school.

Ms. Harris-Perkins, Mr. Fishbach and Planning Manager Yovino responded to numerous questions of Acting President Mathys and Councilmember Bredefeld relative to owners of the school, how it was being funded, where students would come from, grades and ages of students, curriculum, length of classes, need for night classes, how long the Fishbach family resided in the area, if Mr. Fishbach would support the school if there were no night classes, alternate sites for the school, and area residents' concerns and how they would be addressed. Councilmember Bredefeld stated his support noting there were other uses allowed for that site that would be worse, and stated he felt the school would ensure there would be no problems and requested it be given a chance.

Councilmember Boyajian stated he visited the site and questioned how long it had been vacant, stated he was impressed with the resumes of the staff, noted his only concern was parking, and questioned the number of staff persons, how many would patrol outside, and timeline for completion and opening of the school, with Mr. Yovino and Ms. Harris-Perkins responding.

Councilmember Ronquillo questioned the type of students who would be attending the school, with Ms. Harris-Perkins responding, and reiterated his support emphasizing too many children were falling through the cracks and urged they be given a chance.

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, RESOLVED, a call for the question approved and debate on the issue closed, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

On motion of Councilmember Ronquillo, seconded by Councilmember Perea, duly carried, RESOLVED, the determination that the project is categorically exempt hereby approved; and the above entitled Resolution No. 99-262 approving CUP No. C-99-070, subject to the conditions imposed by the Planning Commission in Resolution No. 11301 adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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RECESS - 5:22 P.M. - 5:32 P.M.

**(5F) CLARIFY TERMS OF THE AGREEMENT WITH THE FRESNO FALCONS - PRESIDENT STEITZ
1. IDENTIFY WHAT THE PERFORMANCE CRITERIA WILL BE - COUNCILMEMBER PEREA**

President Steitz and Councilmember Perea clarified a three year contract was approved with an evaluation to be made at the end of the first year, and City Manager Reid recommended Council allow for a broad range of ability to review and evaluate and not limit the City.

Discussion ensued on advertising versus marketing and how determinations would be made. Convention Center Director Valdez stated advertising was a part of marketing and explained, and recommended Council hold the Falcons to their \$90,000 commitment for advertising. Discussion ensued on other aspects to be evaluated, with Mr. Valdez recommending attendance also be a criteria. President Steitz stated he was not hearing any specific details and unless some were made, it was going to be difficult when it came time to evaluate in one year. Mr. Valdez recommended the Falcons' own 45% attendance formula be utilized for the upcoming season and brief discussion ensued, whereupon Councilmember Perea recommended the matter be postponed until September 21st for further consideration and discussion.

Mr. Reid clarified the last Council action was to move forward with an agreement, noted consensus had not been reached and explained, recommended \$90,000 be specified for advertising with a review in one year, and commented on the need to get an agreement to book dates. Councilmember Perea emphasized a 3-year agreement had already been approved and the only issue outstanding was criteria to be evaluated. City Attorney Montoy clarified the agreement previously re-approved was a 3-year agreement with the right of the City to change the ticket fees at the end of the first year and added it would be a simple process to write up the agreement since last year's would be utilized. Mr. Reid noted the agreement was subject to the Mayor's veto.

On motion of Councilmember Ronquillo, seconded by Councilmember Perea, duly carried, RESOLVED, approval of a 3-year agreement with the Fresno Falcons (utilizing the prior years agreement) with no performance standards hereby confirmed; the Falcons to spend \$90,000 on advertising; Council authorized to review and evaluate at the end of the first year and change ticket fees, if necessary; and the City Manager authorized to execute the agreement on behalf of the City, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Ronquillo
Noes	:	Quintero, Steitz
Absent	:	None

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(5G) *RESOLUTION NO. 99-263 - 19TH AMENDMENT TO AAR 99-181 APPROPRIATING \$200 OF DISTRICT 2's GENERAL FUND INFRASTRUCTURE BUDGET FOR THE FRIENDSHIP CENTER FOR THE BLIND - ACTING PRESIDENT MATHYS

On motion of Acting President Mathys, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 99-263 hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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(5H) *RESOLUTION NO. 99-264 - 13TH AMENDMENT TO AAR 99-181 ADJUSTING REVENUES AND APPROPRIATIONS IN THE VARIOUS INFRASTRUCTURE FUNDS FROM COUNCIL DISTRICTS TO PROVIDE FOR THE CARRY-OVER OF THE FY 99 UNUSED BALANCES - COUNCILMEMBER BOYAJIAN

A motion and second to adopt the resolution was made. City Manager Reid urged Council not to adopt the resolution and explained, advised the balances of unspent monies was getting larger and larger each year, and emphasized the goal was to get those monies spent within the fiscal year. Upon question of President Steitz, Mr. Bruney stated District 4 was the only Council office that had spent their funds. President Steitz stated to roll the funds over to the following year was a misuse of public funds and urged Council to spend the funds as intended.

On motion of Councilmember Boyajian, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the above entitled Resolution No. 99-264 hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo
Noes	:	Steitz
Absent	:	None

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(5I) REQUEST THE CITY MANAGER TO AUTHORIZE THE TRANSIT GENERAL MANAGER TO PURCHASE TWO (2) LOW-FLOOR HYBRID ELECTRIC BUSES - PRESIDENT STEITZ

Acting President Mathys questioned if this was subject to veto with City Manager Reid stating the purchase was consistent with the Mayor's goals.

On motion of Councilmember Ronquillo, seconded by President Steitz, duly carried, RESOLVED, the Transit General Manager, in conjunction with the City's Purchasing Manager, authorized to proceed with issuing a requisition for the purchase of two low floor electric hybrid buses from Orion Bus Industries, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Quintero, Ronquillo, Steitz
Noes	:	Perea
Absent	:	None

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(5K) RATIFICATION OF RESPONSES TO THE 1998-99 GRAND JURY REPORT - ACTING PRESIDENT MATHYS

On motion of Acting President Mathys, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the ratification of responses to the 1998-99 Grand Jury Report laid over to September 21, 1999, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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(5L) DIRECT THE CITY MANAGER, OR HIS DESIGNEE, TO INSTALL 25 MILE PER HOUR SPEED LIMIT SIGNS ALONG BEECHWOOD BETWEEN VAN NESS AND WEST AVENUES - ACTING PRESIDENT MATHYS

A motion and second to approve direction to staff was acted upon after discussion.

Nicolas Esquivel, Traffic Engineer, 6550 N. Mitre, spoke in opposition as a citizen.

City Manager Reid clarified the request was to post a sign on what the standard speed limit already was, advised the Mayor had requested, and staff was currently working on reducing the number of unnecessary signs due to graffiti, and questioned if this was a safety issue. Acting President Mathys invited staff to attend his district meeting the following day, and responded to Mr. Reid stating this was a safety issue as there were a lot of traffic concerns in that area, and stressed people did slow down when they saw speed limit signs.

Councilmember Perea stated the bottom line was it was Council's responsibility to keep its citizens safe and requested staff not attack Council without coming forth with solutions. Mr. Esquivel responded stating staff was asked to do things which had no affect and explained, and discussion ensued on the effectiveness of stop signs, traffic calming strategies, seriousness of and complying with the warrant policy, staff working with Council on solutions, and balancing warrants with needs.

On motion of Acting President Mathys, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the City Manager, or his designee, directed to install 25 MPH speed limit signs along Beechwood between Van Ness and West Avenues, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo
Noes	:	Steitz
Absent	:	None

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(5M) DISCUSS SCHEDULING A JOINT CITY COUNCIL/PLANNING COMMISSION WORKSHOP TO ADDRESS THE CITYWIDE FENCE ISSUE - COUNCILMEMBER RONQUILLO

President Steitz stated he would coordinate and schedule a workshop at the end of September, and with Councilmember Ronquillo's concurrence, the workshop was set for September 28th from 12 noon to 2 p.m. subject to the Planning Commission's acceptance.

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(5N) DIRECT STAFF TO PROVIDE NECESSARY DOCUMENTS APPROPRIATING \$500 TO THE FRESNO ARTS COUNCIL - COUNCILMEMBER PEREA

Councilmember Perea advised staff would be bringing forth the resolution on September 21st and removed the item from the agenda

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(5O) DIRECT THE CITY MANAGER, OR HIS DESIGNEE, TO PROVIDE A PERFORMANCE AUDIT OF HOME IMPROVEMENT LOAN - COUNCILMEMBER PEREA

Councilmember Perea stated he wanted an audit or review of the program stating people were not satisfied with the quality of the work performed, and questioned the effectiveness of the program and requested information.

HNR Manager Bowness briefly commented on some of the concerns expressed by homeowners, stated she would provide a status report and review of the program which would show the majority of homeowners were satisfied, and stated she would work with Councilmember Perea. Councilmember Ronquillo briefly commented on the expectations of homeowners with the amount loaned and on the need for homeowner sign-offs and holding contractors accountable. There was no further discussion.

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UNSCHEDULED ORAL COMMUNICATIONS

APPEARANCE BY GLORIA TORRES, COMMENDING COUNCILMEMBERS BREDEFELD, MATHYS AND RONQUILLO FOR SUPPORTING HER PRIOR REQUEST FOR A 20 MINUTE SERVICE FREQUENCY ON FAX ROUTE 38, AND REQUESTING REMAINING MEMBERS TO RECONSIDER THEIR POSITION

Appearance made; no action taken.

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CLOSED SESSION:

(A.) CONFERENCE WITH REAL PROPERTY NEGOTIATOR - GOVERNMENT CODE SECTION 54956.8 - REQUESTED BY ACTING PRESIDENT MATHYS - PROPERTY: LEASE AGREEMENT WITH FRESNO COUNTY RELATING TO THE VAN NESS/INYO STREET SPIRAL PARKING GARAGE - NEGOTIATING PARTIES: JEFFREY REID, ROBERT QUESADA, CITY NEGOTIATORS; JOHN WEISER, COUNTY NEGOTIATOR - UNDER NEGOTIATION: INSTRUCTIONS TO NEGOTIATORS CONCERNING PRICE, TERMS OF PAYMENT, AND OTHER LEASE TERMS AND CONDITIONS

(B) CONFERENCE WITH LABOR NEGOTIATOR - GOVERNMENT CODE SECTION 54957.6 - CITY NEGOTIATORS: JEFFREY REID, ANDY SOUZA, JORGE AGUINIGA - EMPLOYEE ORGANIZATIONS: FAPOFA AND CFPEA

(C) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a) - CASE NAME: MORALES, ET AL. V. CITY OF FRESNO, ET. AL.

The Council met in closed session in Room 2125 at the hour of 6:25 p.m. to consider the above issues.

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ADJOURNMENT

There being no further business to bring before the Council, the hour of 7:05 p.m. having arrived and hearing no objections, President Steitz declared the meeting adjourned.

DATED this _____ day of _____ 1999.

Ken Steitz, Council President

ATTEST: _____
Yolanda Salazar, Assistant City Clerk